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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Plaintiff,

KEATING DENTAL ARTS, INC.

AND RELATED COUNTERCLAIMS.

**DECLARATION OF DR.
RAYMOND BRADY IN
SUPPORT OF KEATING
DENTAL ARTS, INC.'S
MOTIONS FOR SUMMARY
JUDGMENT**

1 I, Dr. Raymond Brady, hereby declare as follows:

2 I am a practicing dentist who has purchased dental restorations from
3 Keating Dental Arts, Inc. ("Keating"). My dental office is located at 2700
4 Bellflower Blvd., Suite 306, Long Beach, CA 90815. I have personal
5 knowledge of the matters set forth herein. If called upon to testify, I could and
6 would testify as follows:

7 1. I am licensed to practice dentistry in the state of California. I
8 received an undergraduate degree from Loyola Marymount University in Los
9 Angeles, California in 1975. I received a Doctor of Dental Surgery degree from
10 University of California Los Angeles in 1979. In 1980, I began practicing
11 general dentistry. I have been practicing as a licensed dentist for 32 years.
12 During that time, it has been a regular part of my practice to treat patients in
13 need of dental restorations.

14 2. To address my patients in need of dental restorations, it has been
15 my practice to purchase crowns and bridges from dental laboratories that
16 manufacture the restorations in response to my specifications. In this regard, I
17 provide the dental laboratories with a prescription form that identifies the
18 patient, the tooth (or teeth), and the specific dental restoration product that I
19 would like manufactured for the patient.

20 3. Since my dental practice began in 1980, I have ordered dental
21 restorations from a number of different dental laboratories. I have been ordering
22 dental restorations from Keating since around 2005. I am aware of Glidewell
23 Laboratories but do not recall whether I have ever used them in the past. I do
24 not currently order from them.

25 4. I have ordered different types of dental restorations from Keating,
26 including porcelain-fused-to-metal crowns, and crowns containing zirconia.

27 5. The first time I ordered a crown containing zirconia from Keating
28 was in May 2007 when I ordered a "KDZ" crown. In 2007, Keating's "KDZ"

1 crown had a zirconia substructure with a porcelain overlay.

2 6. The first time I ordered a full contour zirconia crown from Keating
3 was in April 2012 when I ordered what Keating calls a KDZ Bruxer crown. I
4 ordered Keating's KDZ Bruxer crown for one of my patients because my patient
5 did not want a gold crown and I needed a crown that would be stronger than one
6 with a porcelain overlay.

7 7. I learned of Keating's KDZ Bruxer product by going on their
8 website to see if they made an all zirconia crown.

9 8. More recently, on July 26, 2012, I ordered a KDZ Bruxer crown
10 from Keating for tooth #18 for one of my patients. Attached as **Exhibit A** is a
11 true and correct copy of the Keating Dental Arts prescription form that I signed
12 and submitted to Keating.

13 9. In the order form attached as Exhibit A, I specified the product that
14 I was ordering by writing "KDZ Bruxir" in the "Instructions" section of the
15 form. I wrote "Bruxir" on the prescription form because to me that term meant
16 a full contour zirconia crown for bruxers. I knew I was ordering the crown from
17 Keating and I wanted to receive a crown made by Keating.

18 10. When I wrote "Bruxir" on the prescription form, I did not intend to
19 order a crown made by Glidewell Laboratories. Nor did I intend to order a
20 crown made from material provided by Glidewell Laboratories. When ordering
21 the KDZ Bruxer crown, I did not think there was any affiliation between
22 Keating and Glidewell Laboratories.

23 11. An all zirconia crown is a fairly new product in the dental industry.
24 I generally do not order products that are new on the market, but I have been
25 very pleased with Keating's quality and have learned to trust the products they
26 make. I would not have ordered an all zirconia crown if I could not have gotten
27 it from Keating.

28 12. Soon after sending the prescription form attached as Exhibit A to

1 Keating, I was contacted by a Keating employee to clarify my order.
2 Specifically, the Keating employee asked me to confirm that I wanted to order
3 Keating's KDZ Bruxer product. The Keating employee explained that the term
4 "BruxZir" is a brand name of another dental laboratory, and the employee
5 offered to return the order to me if I wanted to order from another dental
6 laboratory. I confirmed that I wanted to order Keating's full contour zirconia
7 crown.

8
9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

11 Executed November 15, 2012, in Long Beach, California.


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13 _____
14 Dr. Raymond Brady
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EXHIBIT A

